

Message Text

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ORIGIN PM-03

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FM SECSTATE WASHDC

TO AMEMBASSY THE HAGUE IMMEDIATE

INFO USMISSION NATO

LIMITED OFFICIAL USE STATE 169551

E.O. 11652: N/A

TAGS: MASS, NL

SUBJECT: RELAXATION OF BUY AMERICAN ACT

REF: THE HAGUE 3561

1. THE CULVER-NUNN AMENDMENT TO THE DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1976, EXPLICITLY AUTHORIZES RELAXATION OF BUY AMERICAN ACT FOR PURCHASE OF EUROPEAN EQUIPMENT FOR US FORCES STATIONED IN EUROPE TO PROMOTE STANDARDIZATION.

2. THE TEXT OF THE CULVER-NUNN AMENDMENT FOLLOWS:

BEGIN QUOTE: SEC. 804. (A) IT IS THE POLICY OF THE UNITED STATES THAT EQUIPMENT PROCURED FOR THE USE OF PERSONNEL OF THE ARMED FORCES OF THE UNITED STATES STATIONED IN EUROPE UNDER THE TERMS OF THE NORTH ATLANTIC TREATY SHOULD BE LIMITED OFFICIAL USE
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STANDARDIZED OR AT LEAST INTEROPERABLE WITH EQUIPMENT OF OTHER MEMBERS OF THE NORTH ATLANTIC TREATY ORGANIZATION. IN CARRYING OUT SUCH POLICY THE SECRETARY OF DEFENSE SHALL, TO THE MAXIMUM FEASIBLE EXTENT, INITIATE AND CARRY OUT

PROCUREMENT PROCEDURES THAT PROVIDE FOR THE ACQUISITION OF EQUIPMENT OF OTHER MEMBERS OF THE NORTH ATLANTIC TREATY ORGANIZATION WHENEVER SUCH EQUIPMENT IS TO BE USED BY

PERSONNEL OF THE ARMED FORCES OF THE UNITED STATES STATIONED IN EUROPE UNDER THE TERMS OF THE NORTH ATLANTIC TREATY.

(B) WHENEVER THE SECRETARY OF DEFENSE DETERMINES THAT IT IS NECESSARY, IN ORDER TO CARRY OUT THE POLICY EXPRESSED IN SUBSECTION (A) OF THIS SECTION, TO PROCURE EQUIPMENT MANUFACTURED OUTSIDE THE UNITED STATES, HE IS AUTHORIZED TO DETERMINE, FOR THE PURPOSES OF SECTION 2 OF TITLE III OF THE ACT OF MARCH 3, 1933 (47 STAT. 1520; 41 U.S.C. 10A) (BUY AMERICAN ACT), THAT THE ACQUISITION OF SUCH EQUIPMENT MANUFACTURED IN THE UNITED STATES IS INCONSISTENT WITH THE PUBLIC INTEREST.

(C) IN ANY CASE IN WHICH THE SECRETARY OF DEFENSE PROPOSES NOT TO CARRY OUT THE POLICY EXPRESSED IN SUBSECTION (A) OF THIS SECTION REGARDING THE PROCUREMENT OF STANDARDIZED OR INTEROPERABLE EQUIPMENT, HE SHALL REPORT THAT FACT TO THE CONGRESS COINCIDENT WITH SUBMISSION OF THE ANNUAL BUDGET TO BE PROCURED AND THE REASONS FOR NONCOMPLIANCE WITH SUCH POLICY. END QUOTE.

3. BEGIN FYI: THE SENATE VERSION OF THE DEFENSE AUTHORIZATION BILL WAS PASSED WITH THE CULVER-NUNN AMENDMENT INTACT. THE BILL IS CURRENTLY IN CONFERENCE COMMITTEE AND SHOULD BE REPORTED OUT SHORTLY. THERE HAVE BEEN NO REPORTS OF OPPOSITION TO THE CULVER-NUNN AMENDMENT IN THE HOUSE, THUS IT IS EXPECTED TO SURVIVE THE CONFERENCE COMMITTEE AND BE A PART OF THE FINAL BILL. END FYI.

4. YOU MAY INFORM THE DUTCH ABOUT THE CULVER-NUNN AMENDMENT AND THAT IT IS STILL IN THE LEGISLATIVE PROCESS. HOWEVER, YOU SHOULD NOT SPECULATE ON THE TIMING OF LIMITED OFFICIAL USE
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